

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL BRASSINGTON, PAUL  
BRASSINGTON, AND BRIAN  
MCKENZIE,

Defendants.

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**Hon. Dennis M. Cavanaugh**

**ORDER**

Crim. No. 09-CR-45 (DMC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion by John Kimberling (“Defendant”) for severance from the within proceedings and transfer to the Southern District of Florida on the grounds that he is unable to travel for medical and financial reasons. Pursuant to Fed. R. Civ. P. 78, no oral argument was heard. After considering all submissions and based upon the following;

IT IS on this \_\_8\_\_ day of October, 2010;

**WHEREAS** this Court finds that Defendant suffers from serious medical conditions and is financially unable to travel to and stand trial in New Jersey; these conditions are beyond Defendant’s control; the interests of justice require severance and transfer to the Southern District of Florida; and all parties consenting on the record thereto;

**ORDERED** the case against Defendant is severed and transferred to the Southern District of Florida.

s/Dennis M. Cavanaugh  
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk’s Office  
cc: All Counsel of Record  
File